

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3108
)	
v.)	
)	MEMORANDUM AND ORDER
JUSTIN XAVIER NICHOLS,)	
)	
Defendant.)	

The defendant has moved to continue his plea hearing, currently set for December 30, 2009, because plea negotiations are ongoing. Filing No. [33](#). The government does not oppose defendant's motion.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. [33](#)), is granted, and defendant's plea hearing will be held before the undersigned United States district judge on the 3rd day of February, 2010, at 12:30 p.m., in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall, North, Lincoln, Nebraska. The defendant is ordered to appear at this hearing.
- 2) The Court finds the ends of justice served by continuing defendant's plea hearing outweigh the best interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and February 3, 2010 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

DATED this 28th day of December, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge